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Attorney Docket No.: 5762.200-US
Application Serial No.: 09/577,694
Filed: May 22, 2000
Inventors: Sorensen et al.
Via Facsimile: 571-273-8300

REMARKS

Applicants have amended cancelled claim 75 thereby making the Examiner's 112 rejection moot.

The remaining claims stand rejected over Kasai 275, Esposito 777 and Kasai 330. Applicants disagree with these rejections for the foregoing reasons.

First, Kasai 275 states clearly and unambiguously that "in order to impart a still improved gas barrier performance to the stopper of the present invention, the stopper material further contains 5 to 50% by weight of an inorganic property." (See Col 2 lines 54-63). The specification further states that the powder impart certain necessary properties to the stopper. Thus the 5-50% inorganic powder is a necessary additive in order to make the stopper function correctly.

Applicants own specification at page 6 states that the stopper material "may also contain additives not exceeding 1% by weight." This limitation is also in the pending claims. Applicants specification further states that additives serve to change the properties of the stopper. (See page 6 of applicants specification). Thus, additives are something that adds a property. Therefore, applicants invention can have no more than 1% additives. Kasai requires at least 5% additives. Thus Kasai 275 teaches away from the claimed invention.

Second, Kasai 330 teaches (at col 2 line 40-45) that the thermoplastic be an elastomer and that at least 10% elastomer is needed and that the elastomer cannot exceed 70%. Thus, the two Kasai references teach away from the claimed invention.

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Third, with respect to the claims claiming a shore hardness, the Examiner has provided no rationale why one of ordinary skill would want to create a stopper with the shore hardness as claimed and has pointed to nothing in the art showing a stopper with the claimed shore hardnesses.

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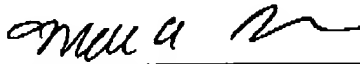
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Conclusion

In view of the above, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. The Commissioner is hereby authorized to charge any fees in connection with this application and to credit any overpayments to Deposit Account No. 14-1447. The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

Respectfully submitted,

Date: February 8, 2007



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